

1 Rental agreements

2 Substance misuse

3 Corrections

4

5 TO THE HOUSE OF REPRESENTATIVES:

6 The Committee on General, Housing, and Military Affairs to which was  
7 referred House Bill No. 783 entitled “An act relating to recovery residences”  
8 respectfully reports that it has considered the same and recommends that the  
9 bill be amended by striking out all after the enacting clause and inserting in  
10 lieu thereof the following:

11 Sec. 1. 18 V.S.A. § 4812 is added to read:

12 § 4812. RECOVERY RESIDENCES

13 (a) Definition.

14 (1) As used in this section, “recovery residence” means a shared living  
15 residence supporting persons recovering from a substance use disorder that:

16 (A) provides residents with peer support, an environment that  
17 prohibits the use of alcohol and the illegal use of prescription drugs or other  
18 illegal substances, and provides assistance accessing support services and  
19 community resources available to persons recovering from substance use  
20 disorder; and

1           (B) is certified by an organization that is a Vermont affiliate of the  
2           National Alliance for Recovery Residences and adheres to the national  
3           standards established by the Alliance or its successor in interest.

4           (2) As used in this section, “the illegal use of prescription drugs” refers  
5           to the use of prescription drugs by a person who does not hold a valid  
6           prescription for that drug or in an amount that exceeds the dosing instructions.

7           (b) Voluntary arrangement. The decision to live in a recovery residence  
8           shall be voluntary and shall not be required or mandated by any private or  
9           public entity or individual. The State shall not subject any individual to  
10          incarceration, penalty, or sanction based solely on temporary removal from a  
11          recovery residence.

12          (c) Terms of residency; compliance.

13          (1) Landlord and tenant relationship. Except as otherwise provided in  
14          subdivisions (3)–(5) of this subsection, a recovery residence and a resident  
15          have a landlord and tenant relationship that is subject to 9 V.S.A. chapter 137.

16          (2) Residential rental agreement.

17          (A) A recovery residence and a resident shall execute a written rental  
18          agreement that includes:

19                  (i) the policies and procedures governing the tenancy;

20                  (ii) a statement that the recovery residence and the resident will  
21          comply with the policies and procedures;

1 (iii) the consequences of noncompliance;

2 (iv) the identification of a location where the resident may be  
3 housed in the event of temporary removal;

4 (v) payment requirements;

5 (vi) notice requirements and procedure for terminating the  
6 tenancy; and

7 (vii) any other provisions to which the parties agree.

8 (B) The parties may amend a rental agreement in a written record  
9 signed by the parties.

10 (C) A resident may have a support person present when negotiating  
11 and executing a rental agreement or amendment.

12 (3) Temporary removal.

13 (A) A recovery residence shall adopt policies and procedures that  
14 govern the temporary removal of a resident who uses alcohol or illegal  
15 substances, engages in the illegal use of prescription drugs, or engages in  
16 violent, sexually harassing, or threatening behavior, consistent with the  
17 following:

18 (i) A recovery residence shall

19 (I) provide written notice of the reason for temporary removal  
20 and of the actions the resident must take to avoid temporary removal or to be  
21 readmitted after temporary removal;

1 (II) design and implement harm reduction strategies for a  
2 resident who is temporarily removed, including providing naloxone to the  
3 resident upon temporary removal; and

4 (III) take action that is consistent with the resident’s most  
5 recent reoccurrence agreement to the extent possible.

6 (ii) A recovery residence shall not temporarily remove a resident  
7 based solely on the resident’s use of medication in conjunction with  
8 medication-assisted treatment, as defined in section 4750 of this title.

9 (B) Notwithstanding 9 V.S.A. §§ 4463 and 4464, a recovery  
10 residence that complies with the policies and procedures adopted pursuant to  
11 this subdivision (c)(3) may temporarily deny a resident access to the recovery  
12 residence and to his or her property within the residence.

13 (5) Termination of tenancy.

14 (A) A recovery residence shall adopt policies and procedures that  
15 govern the termination of tenancy of a resident who violates one or more  
16 provisions of the rental agreement, consistent with the following:

17 (i) A recovery residence shall:

18 (I) provide written notice of its intent to terminate the tenancy  
19 that includes the reason for termination and the actions the resident must take  
20 to avoid removal;

1 (II) design and implement harm reduction strategies for a  
2 resident whose tenancy is terminated, including providing naloxone to the  
3 resident upon removal; and

4 (III) adopt a review process under which:

5 (aa) a person other than the original decisionmaker or a  
6 subordinate of the original decisionmaker, which may include a Vermont  
7 affiliate of the National Alliance for Recovery Residences, reviews the  
8 decision to terminate the tenancy;

9 (bb) the resident has a meaningful opportunity to present  
10 evidence why the resident should not be removed; and

11 (cc) the resident receives prompt written notice of a final  
12 decision.

13 (ii) A recovery residence shall not:

14 (I) terminate a tenancy because a resident uses alcohol or  
15 illegal substances, or engages in the illegal use of prescription drugs, unless:

16 (aa) the resident fails to take the actions required to avoid  
17 temporary removal or to be readmitted after temporary removal; and

18 (bb) the recovery residence has contemporary drug test  
19 results verified by a laboratory approved by the State; and

1 (II) terminate a tenancy based solely on the resident's use of  
2 medication in conjunction with medication-assisted treatment, as defined in  
3 section 4750 of this title.

4 (B) Notwithstanding 9 V.S.A. §§ 4467 and 4468, a recovery  
5 residence that complies with the policies and procedures adopted pursuant to  
6 this subdivision (c)(5) may terminate the tenancy of a resident pursuant to the  
7 notice requirements and procedure for terminating the tenancy provided in the  
8 rental agreement.

9 (d) Drug testing. A recovery residence shall adopt policies and procedures  
10 that govern drug testing of residents, consistent with the following:

11 (1) A recovery residence shall apply testing procedures fairly among  
12 residents.

13 (2) A recovery residence shall not test a resident without a substantial  
14 reason to believe the resident is using alcohol or illegal substances or engaging  
15 in the illegal use of prescription drugs.

16 (e) Future services. A recovery residence shall not deny future services to  
17 a resident based solely on the resident's use of alcohol or illegal substances,  
18 illegal use of prescription drugs, temporary removal, or termination of tenancy.

19 (f) Unfair housing practices. Notwithstanding 9 V.S.A. § 4503, a recovery  
20 residence may adopt policies and procedures to limit housing opportunities

1 based on a resident’s gender or gender identity, or on the basis of having one  
2 or more minor children, provided:

3 (1) the limitation is designed to promote the health, safety, and welfare  
4 of residents; and

5 (2) the recovery residence does not otherwise discriminate on an  
6 unlawful basis.

7 Sec. 2. 24 V.S.A. § 4412 is amended to read:

8 § 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

9 Notwithstanding any existing bylaw, the following land development  
10 provisions shall apply in every municipality:

11 (1) Equal treatment of housing and required provisions for affordable  
12 housing.

13 \* \* \*

14 (G) A residential care home or group home to be operated under  
15 State licensing or registration, serving not more than eight persons who have a  
16 disability as defined in 9 V.S.A. § 4501, and a recovery residence as defined in  
17 18 V.S.A. § 4812, shall be considered by right to constitute a permitted single-  
18 family residential use of property. [Just want to flag again that the way this is  
19 written, the limitations concerning State licensing or registration, and to eight  
20 residents/with a disability, would not apply to a recovery residence] This  
21 subdivision (G) does not require a municipality to allow a greater number of

1 residential care homes or group homes on a lot than the number of single-  
2 family dwellings allowed on the lot.

3 \* \* \*

4 Sec. 3. EFFECTIVE DATE

5 This act shall take effect on July 1, 2020.

6

7

8

9

10

11

12

13 (Committee vote: \_\_\_\_\_)

14

15

16

\_\_\_\_\_

Representative \_\_\_\_\_

FOR THE COMMITTEE